

REMARKS

Claim Rejections

Claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by Streuer et al. (2003/0077483 A1).

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

New Claims

By this Amendment, Applicant has canceled claims 1-4 and has added new claims 5-8 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

The new claims are directed toward a battery case assembly for a battery comprising: a battery case (7) having: a terminal hole (72) located through a peripheral wall (71) thereof; and a flange (73) located on an interior surface of the peripheral wall; and a contact member (8) having: a cylindrical mounting portion (81) inserted through the terminal hole and having a first end riveted to an outer surface of the peripheral wall; a contact portion (82) connected to a second end of the cylindrical mounting portion and engaging a positive terminal of the battery, the contact portion is located on the flange; and a connecting portion (83) connecting the contact portion to an electric wire (84), the connecting portion extending outwardly from the contact portion along a side surface of the flange supporting the connecting portion, the contact portion being spaced apart from a casing of the battery.

Other embodiments of the present invention include: the side surface of the flange is a sloping surface; the flange has a circular shape; and the cylindrical mounting portion is hollow.

The cited reference to Streuer et al. teaches a cover (1) having a hole, an end pole (3) located in the hole, a contact protection device (5) located around the

end pole and having a slot (6a, 6b), the end pole (3) is covered by an electrically insulating pole cap (4), a cable lug (9a, 9d) located round the end pole (3) and covered by a screw cap (10). Streuer et al. teaches a recess but does not suggest a flange.

Streuer et al. do not teach a flange located on an interior surface of the peripheral wall; a contact member having a cylindrical mounting portion, a contact portion, and a connecting portion; the cylindrical mounting portion inserted through the terminal hole and having a first end riveted to an outer surface of the peripheral wall; a contact portion connected to a second end of the cylindrical mounting portion and engaging a positive terminal of the battery; the contact portion is located on the flange; nor do Streuer et al. teach the side surface of the flange is a sloping surface.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Streuer et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Streuer et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

It is further submitted that Streuer et al. do not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Streuer et al. render obvious any of Applicant's new claims under 35 U.S.C. § 103.

Application No. 10/729,948

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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